

**U.S. Department of Homeland Security
Transportation Security Administration
Arlington, VA 22202-4204**

DATE: October 31, 2003

SUBJECT: Interim Policy on Screeners' Daily Fitness For Duty Under ATSA



**FROM: Paul H. Sheldon
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Office of Human Resources Management**

Attached is our Interim Policy on Screeners' Daily Fitness for Duty Under ATSA, HRM Letter No. 339-1.

The HRM Letter sets forth the policy, requirements, and procedures implementing 49 USC §44935(e)(2)(A)(v), from section 111(a) of the Aviation and Transportation Security Act (ATSA), that Transportation Security Screeners ("screeners") have the ability to demonstrate daily fitness for duty. Specifically, this HRM Letter requires (1) that screeners, including lead and supervisory screeners, must report to work ready and able to meet their work obligations and ensure they are fit to perform their duties and are not impaired due to use of alcohol or any illegal drugs, sleep deprivation, medication, or the failure to take prescription medicine as directed, and (2) that managers and supervisors ensure each screener is fit for duty at the beginning and throughout the screener's shift. Procedurally, each screener must certify his or her fitness for duty in writing at the beginning of each shift; and supervisors must verify screeners' certification and must conduct observations of their screeners' fitness over the course of the period of duty.

The HRM Letter provides guidance for addressing various situations where a screener fails to demonstrate fitness for duty, including repeated instances of lack of fitness for duty. Although in certain circumstances, disciplinary action may be appropriate, discipline should only be initiated after consultation with an assigned Employee Relations Specialist from the Office of Human Resources and review of all the relevant circumstances of the particular case. For example, care should be taken not to unfairly penalize a screener whose impaired fitness for duty is because of sleep deprivation from having worked excessively long hours for TSA. On the other hand, removal from Federal service is required for a first offense if impaired fitness for duty is because of alcohol or illegal drugs.

Lastly, the HRM Letter provides a listing of Possible Indicators of Impairment to assist supervisors and managers in conducting observations of screener fitness for duty.

If you have questions concerning this interim policy, please contact me on (571) 227-2469.

**TRANSPORTATION SECURITY ADMINISTRATION
HUMAN RESOURCES MANAGEMENT POLICY MANUAL**

HRM LETTER NO. 339 - 1

DATE: October 31, 2003

SUBJECT: Interim Policy on Screeners' Daily Fitness For Duty Under ATSA

1. Purpose

This Letter sets forth the Transportation Security Administration's ("TSA") policies, requirements, and procedures implementing the requirement of the Aviation and Transportation Security Act ("ATSA" or "the Act") that Transportation Security Screeners ("screeners") have the ability to demonstrate daily fitness for duty. See ATSA §111(a), codified at 49 U.S.C. §44935(e)(2)(A)(v).

2. Authority

This Letter is issued under the authority of §111(d) of ATSA; §§403(2) and 423 of the Homeland Security Act of 2002; and applicable TSA and U.S. Department of Homeland Security delegations of authority.

This Letter does not in any way limit the authority of managers or supervisors to take appropriate action with respect to employees who when reporting for duty, or while on duty, demonstrate that they are not fit for duty for reasons other than those set forth in 49 U.S.C. §44935(e)(2)(A)(v).

3. Responsibilities

- a. Screeners, including lead and supervisory screeners, must report to work, for every shift, ready and able to meet their work obligations and ensure they are fit to perform their duties and are not impaired due to use of alcohol or any illegal drugs, sleep deprivation, medication, or the failure to take prescription medicine as directed.
- b. Managers and supervisors must ensure that their screener workforce is fit for duty at the beginning of and throughout each shift. Screening managers are responsible for ensuring that the supervisory screeners under their supervision are fit for duty at the beginning of and throughout each shift. Managers and supervisors must consider fitness for duty requirements when preparing and managing work schedules, shifts and breaks.

For work sites where supervisors or managers are not routinely present, alternate procedures must be established to ensure screener fitness for duty consistent with this policy, for example, using telephonic communications with screeners as a basis for assessing fitness for duty or assigning this responsibility to a screener at the site.

4. Definitions

Terms have the following meaning in this letter:

- a. Fit for Duty: A screener who does not have illegal drugs or alcohol present in his or her system (for alcohol, the concentration level must be below 0.020) and who is not impaired while on duty due to sleep deprivation, medication, or failure to take prescription medicine as directed.
- b. Medication: Includes prescription medicines, over-the-counter medicines, and nutritional or dietary supplements and similar substances.

c. Impairment: Includes, but is not limited to, fatigue, drowsiness, lethargy, sluggishness, and other similar limitations due to sleep deprivation, alcohol, illegal drugs, medication, or the failure to take prescription medicine as directed. Impairment due to use of alcohol occurs when a screener has an alcohol concentration level of 0.020 or higher; impairment due to the use of illegal drugs occurs when a screener has any illegal drugs detected in his or her system.

d. Daily Demonstration: Screeners are required to demonstrate their fitness for duty on a daily basis. This daily demonstration will be accomplished by: (i) self-certification, (ii) Start-of-Shift Observations, and (iii) supervisory observation over the course of the work shift.

In situations where supervisors or managers are not routinely present at the work site, procedures must be established to comply to the extent possible with these requirements. Examples of possible procedures include assessments based on telephonic communications with screeners or designating a screener at the site to carry out this responsibility.

e. Shift: Includes regularly scheduled tour of duty and any other or additional time the screener is required to be on duty.

f. Self-Certification: Each screener must certify daily, at the start of the shift, that he or she is fit to perform his or her duties and is not impaired due to the use of alcohol or any illegal drugs, sleep deprivation, medication, or failure to take prescription medicine as directed. The certification must be in writing and may be done by each screener initialing a printed duty roster containing the required statement of fitness for duty. See Sample Shift Duty Roster, Attachment 1.

g. Fitness for Duty Observation: Within 30 minutes of the start of each screener's work shift the supervisor will ensure the screener has self-certified his or her fitness for duty. In addition, the supervisor will observe the screener, and initial each screener's certification to confirm that he or she has observed and/or spoken to the screener and that the screener appears fit for duty ("Start-of-Shift Observation").

h. Reasonable Belief: Belief that is based on specific observable facts.

i. Repeated Instances of Reporting Not Fit for Duty: Screeners who repeatedly have self certified as not being fit for duty and/or repeatedly been found not fit for duty may be notified in writing of that determination (see Section 7. Employment Actions) and may be subject to progressive discipline. The appropriate corrective response will be determined in consultation with an Employee Relations Specialist in TSA's Office of Human Resources assigned to the airport. For example, sleep deprivation resulting from unusually lengthy extension of a screener's shift, or an additional shift, would be a mitigating factor when considering possible discipline.

NOTE: Repeated reporting not fit for duty described in the paragraph above applies only to impairment due to sleep deprivation, medication, or the failure to take prescription medicine as directed. Screener removal is required for a first offense of being under the influence of alcohol while on duty or for use of illegal drugs at any time.

5. Coverage

This Letter covers all screeners, including lead and supervisory screeners, without regard to the specific types of duties being performed. For example, screeners must demonstrate daily fitness for duty whether they are performing regular screening duties, participating in training, working overtime, or performing other assigned duties.

6. Directive

- a. Daily, at the start of his or her shift, each screener will certify in writing that he or she is fit for duty, in accordance with paragraph 4.f.
- b. Supervisors will conduct Start-of-Shift Observations within 30 minutes of the start of each screener's work shift. During the Start-of-Shift Observation, and over the course of the shift, the supervisory screener and screening manager will observe each screener and lead screener, or supervisory screener, respectively, for signs of fatigue and/or impairment, e.g., drowsiness, sluggishness and/or glassy eyes. Supervisory screeners and screening managers may use the list of Possible Indicators of Impairment (Attachment 2) as a reference to assist them in conducting fitness for duty observations.
- c. Impairment due to use of alcohol or illegal drugs: If the supervisor has a reasonable suspicion that a screener is impaired due to use of alcohol or illegal drugs, the procedures outlined in TSA's Drug & Alcohol Free Workplace Reasonable Suspicion and Post Employment Testing Guidelines will be followed.
- d. Impairment due to sleep deprivation, medication, and/or the failure to take prescription medicine as directed:
 - i. If the supervisor has a reasonable belief a screener is not fit for duty, or if the screener discloses that he or she has a fitness for duty impairment and the supervisor concurs, the supervisor may offer the screener an opportunity to recover, e.g., taking a short break to try to improve his or her condition. If the screener cannot improve sufficiently, the supervisor may permit him or her to take leave. If the screener does not have a sufficient leave balance, he or she may request leave without pay (LWOP).
 - ii. Based on the nature and extent of the screener's condition, adjustments or modifications to the screener's duties and/or schedule may be explored consistent with any applicable light duty policy.
- e. Depending on the particular circumstances involved, a screener who reports for work and is not fit for duty may be placed on absence without leave status (AWOL). See discussion under Section 7. Employment Actions, below.

7. Employment Actions

- a. Duty Status When Not Fit for Duty. A screener who either self-certifies or is found to be not fit for duty may request annual leave, sick leave or LWOP, as appropriate to the circumstances. If neither annual leave nor sick leave is available and appropriate, management has discretion to approve LWOP. If the screener refuses to request leave, he or she should be warned that the only alternative is to be placed on AWOL. If, despite the warning, the screener still does not request leave, the screener will be placed on AWOL for the entire shift or the remainder of the shift, as applicable.

- b. Action When Not Fit for Duty is Due to Alcohol or Illegal Drugs. Screeners found to be not fit for duty because of impairment due to alcohol or illegal drugs will be removed from Federal service upon the first offense. If the supervisor has a reasonable suspicion that a screener is impaired due to use of alcohol or illegal drugs, the procedures in TSA's Drug & Alcohol Free Workplace Reasonable Suspicion and Post Employment Testing Guidelines will be followed.
- c. Action When Not Fit for Duty is Due to Sleep Deprivation, Medication, or Failure to Take Prescription Medicine as Directed. Screeners who repeatedly fail to demonstrate fitness for duty due to sleep deprivation, medication, or failure to take prescription medicine as directed, may be notified of that determination in writing. Such written notice may advise the screener that future instances of reporting not fit for duty will be charged as AWOL. While not itself disciplinary, AWOL is a basis for discipline as outlined in HRM Letter 752-3, Interim Policy on Addressing Performance & Conduct Problems. AWOL charges and/or repeated instances of reporting not fit for duty are subject to progressive disciplinary action. Supervisory screeners and screening managers will consult with an Employee Relations Specialist in TSA's Office of Human Resources assigned to their airport for guidance regarding disciplinary actions as a result of AWOL charges and/or failure to demonstrate fitness for duty.

8. Ongoing Research

The TSA Transportation Security Laboratory Human Factors Program (TSL-200) is conducting research on screener fatigue issues. The Human Factors Program will continue to conduct research in this area and to make recommendations for enhancements to this policy, including whether the use of valid, reliable technology, is advisable for TSA's screener fitness for duty program.

9. Responsibilities

- a. Office of Program Primary Responsibility: Aviation Operations
- b. Supporting Office: Office of Human Resources
- c. Supporting Office: Office of Chief Counsel
- d. Supporting Office: Office of Standards, Testing, Evaluation and Policy of the Training and Quality Performance Office
- e. Supporting Office: Human Factors Program of the TSA Transportation Security Laboratory



Richard A. Whitford
Assistant Administrator for Human Resources

Attachments

Filing Instructions: File with HRM 339 Letters, Bulletins, and Guidance

Distribution: TSA Affiliated HR Offices, Assistant Administrators, and Office Directors

POC: TSAHR/Program Guidance and Standards /(571) 227-2469

SAMPLE

UNDERLINED STATEMENT IS REQUIRED IF AN ALTERNATE FORMAT IS USED

SHIFT DUTY ROSTER

DATE: / /200

By initialing the Shift Duty Roster, I certify that I am present for duty and fit to perform my duties as a TSA Screener. I am not impaired due to the use of alcohol or any illegal drugs, sleep deprivation, medication (prescription medicines, over-the counter medicines, dietary supplements, etc.), or the failure to take prescription medicine as directed.

[illegible]

POSSIBLE INDICATORS OF IMPAIRMENT

The following list may assist supervisors and managers in conducting observations of screener fitness for duty. Suspicion that a screener is impaired and not fit for duty must be based on observation of actions, appearance or conduct that demonstrates a significant change in appearance and/or behavior. The supervisor should engage the screener as part of the assessment process, asking how the screener feels and observing his or her participation in typical or routine conversation. Any particular behavior does not, by itself, prove an individual is not fit for duty. Determinations must be made on a case-by-case basis after considering all factors involved and discussion with or questioning of the individual.

Inability to Concentrate:

- ☐ Unable to organize a series of activities
- ☐ Preoccupied with a single task
- ☐ Focused on trivial problem, neglecting more important ones
- ☐ Less vigilant than usual

Diminished Decision-Making Ability

- ☐ Misjudges distance, speed, time, etc.
- ☐ Fails to appreciate the gravity of situation
- ☐ Overlooks things that are important
- ☐ Chooses risky options

Poor Memory:

- ☐ Fails to remember sequence of task elements
- ☐ Difficulty remembering events or procedures
- ☐ Forgets to complete a task or part of a task

Response Time:

- ☐ Responds slowly (if at all) to normal, abnormal or emergency situations
- ☐ Jumpy, reacts instantly or prematurely without normal reflection or judgment

Loss of Bodily Control:

- ☐ May appear to be inebriated or "drunk"
- ☐ Inability to stay awake
- ☐ Affected speech (e.g., slurred, slow or garbled)
- ☐ Individual reports feeling heaviness in the arms and legs
- ☐ Decreased ability to exert force while lifting, pushing or pulling
- ☐ Increased frequency of dropping objects

Mood Change:

- ☐ Quieter, less talkative than usual
- ☐ Unusually or inappropriately talkative
- ☐ Unusually irritable
- ☐ Increased intolerance and anti-social behavior
- ☐ Listless or lacking interest in surroundings

Attitude Change:

- ☐ Fails to anticipate danger
- ☐ Fails to observe and obey warning signs
- ☐ Seems unaware of own poor performance
- ☐ Displays "don't care" attitude

Other Observations: